



# 6

**PATENT**  
**Docket No.: 10235/12**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Masayoshi MURAMATSU et al.  
SERIAL NO. : 10/022,434  
FILED : December 20, 2001  
FOR : HIGH PRODUCTION METHOD OF PRENYL ALCOHOL BY  
MICROORGANISMS  
Group Art Unit : To Be Assigned  
Examiner : To Be Assigned

**BOX MISSING PARTS**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**  
**OF NON-PROVISIONAL APPLICATION**

SIR:

In response to the Notice to File Missing Parts of Non-Provisional Application mailed January 28, 2002, submitted herewith are the following:

- (1) Copy of Notice to file Missing Parts of Application
- (2) Executed Declaration and Power of Attorney (4 pages)
- (3) Assignment with Recordation Cover Sheet (3 pages)
- (4) Submission of Substitute Drawings and **11 Sheets of Substitute Drawings**
- (5) Information Disclosure Statement (PTO 1449 and copies of two (2) references cited therein)
- (6) Claim to convention priority under 35 U.S.C. § 119 and certified copies of two (2) Japanese Priority applications
- (7) Petition in Response to the Notice to File Missing Parts of Non-Provisional Application (to Add Figure 5) with copies of stamped postcard and Application Cover Sheet

04/01/2002 CCHAU1 00000106 110600 10022434

01 FD:105 130.00 CH

**U.S. Application Serial No. 10/022,434**  
**Attorney Docket No. 1023/12**

(8) Submission of the Sequence Listing and Statement Under 37 C.F.R. § 1.821(f), paper copy of the Sequence Listing (6 pages), and Diskette containing the computer readable form of the Sequence Listing.

The Commissioner is authorized to charge \$300.00 (37 CFR §1.16(e)) to Kenyon and Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

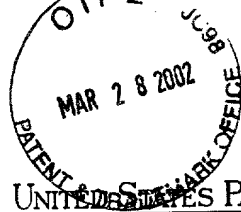
Dated: March 28, 2002



Kristina M. Castellano

Reg. No. 41,092

KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, DC 20005  
(202) 220-4200  
(202) 220-4201



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/022,434	12/20/2001	Masayoshi Muramatsu	10235/12

CONFIRMATION NO. 5208

23838  
KENYON & KENYON  
1500 K STREET, N.W., SUITE 700  
WASHINGTON, DC 20005

## FORMALITIES LETTER



\*OC00000007375741\*

Date Mailed: 01/28/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu

of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 5 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

Y.G.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$) 300.00

**Complete if Known**

Application Number	10/022,434
Filing Date	December 20, 2001
First Named Inventor	Masayoshi MURAMATSU
Examiner Name	To Be Assigned
Group / Art Unit	To Be Assigned
Attorney Docket No.	10235/12

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

11-0600

Deposit  
Account  
Name

Kenyon &amp; Kenyon

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
20**	=	18	=
Independent Claims	-3**	=	84
Multiple Dependent	X	=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	0
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) Petition in Response to Notice to File Missing Parts of Application					\$130.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

0

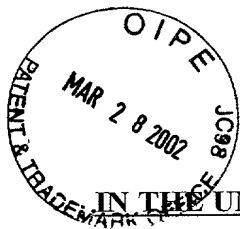
**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Kristina M Castellano	Registration No. Attorney/Agent)	41,042	Telephone	(202) 220-4200
Signature	Kristina Castellano			Date	March 28, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. DC01 383161 v1



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# 5

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ASSISTANT COMMISSIONER  
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SUBMISSION OF SUBSTITUTE DRAWINGS

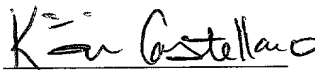
SIR:

Enclosed please find eleven (11) sheets of substitute drawings. Please replace the drawings submitted at the time of filing this application with the substitute drawings submitted herewith. The substitute drawings submitted herewith are believed to comply with the margin requirements set forth in the January 28, 2002 Notice to File Missing Parts. No new matter is being added herein.

Respectfully submitted,

KENYON & KENYON

Dated: March 28, 2002

  
Kristina M. Castellano  
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